

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
v.)
DANIEL W. McCELROY and)
AIMEE J. KING McELROY)
Defendants.)
CRIMINAL NO. 05-10019-RGS

SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS OF THE UNITED STATES

Pursuant to Fed. R. Crim. P. 30, the United States hereby requests that the Court give the following jury instruction, in addition to the Court's customary instructions common to all criminal cases as well as those Proposed Jury Instructions previously submitted by the United States. The United States reserves the right to supplement, modify, or withdraw this requested instructions in light of the requests, if any, filed by the defendants and the evidence in the case.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Sarah E. Walters
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Dated: February 6, 2008

CERTIFICATE OF SERVICE

I, Sarah E. Walters, hereby certify that on February 6, 2008 I served a copy of the foregoing by electronic filing on counsel for the defendants.

/s/ Sarah E. Walters
Sarah E. Walters

INSTRUCTION NO. 6

“On or About”

You will note that the indictment charges that the offenses were committed “on or about” certain dates rather than “on” a certain date. The proof need not establish with certainty the exact date of the alleged offenses. It is sufficient if the evidence in the case establishes beyond a reasonable doubt that the offenses were committed on dates reasonably near the dates alleged.

Adapted from Leonard B. Sand et al., Modern Federal Jury Instructions, (Criminal) Instruction No. 3-12; United States v. Morris, 700 F.3d 427 (1st Cir. 1983).